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REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Applicant hereby affirms the provisional election made with traverse to prosecute the invention of Group II, claims 25-27.

Claims 1-27 were previously pending in the application. Claims 1-24 have been withdrawn from consideration and are now canceled. Claims 25-27 have been rejected. New dependent claims 28 to 45 have been added. Claims 25 to 45 are, therefore, presently active. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Relying on 35 U.S.C. §102(b), the Examiner rejected claims 25-27 as being anticipated by Wexler (US Patent no. 6,497,480). Applicant respectfully traverses the Examiner's rejection, and request reconsideration. Applicant respectfully submits that a rejection for lack of novelty under Section 102(b) requires that the invention must be identically disclosed or described in the reference. Applicant respectfully submits that important and material limitations of their invention as claimed are not disclosed in the reference. Applicant respectfully submits that Wexler does not disclose, teach, or suggest the fusing of the ink-receptive layer along with the ink-transporting layer. In the present invention, after printing on the inkjet recording element, the fusible, porous ink-transporting layer is heat and/or pressure fused to form a substantially continuous overcoat layer on the surface. In addition, the ink-receptive layer is also fused at the same time. Upon fusing, these layers are rendered non-light scattering. The present specification states:

It is an important feature of the invention that the uppermost ink-transporting layer and the underlying ink-receptive layer both be fusible into non-scattering layers, as this significantly raises image density.

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Thus, in order to maximize density, the layer containing the colorant and all layers above that layer should be fused to reduce light scatter. In contrast, Wexler teaches a fusible ink-transporting layer and a porous ink fluid receptive layer comprising inorganic particles, and the fusing of the ink-transporting layer, but not the porous ink fluid receptive layer. There is no disclosure in Wexler that the particles in the ink fluid receptive layer are fusible, or that this ink fluid receptive layer is fused during the fusing step. This is a key difference. As stated by Wexler:

Suitable porous materials for an ink-retaining layer include, for example, silica or alumina in a polymeric binder. In a preferred embodiment, the ink-retaining layer is porous fumed alumina in a crosslinked poly(vinyl alcohol) binder.

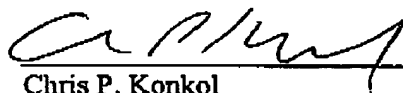
Clearly, such inorganic particles in the ink-retaining layer are not capable of being fused. Wexler, in fact, uses fumed alumina in the examples. In contrast, the present invention uses fusible, polymeric particles in the ink-receptive layer.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims are now believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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